REMARKS

Claims 1-27 were pending in the application prior to the present amendment.

Claims 1-4, 9-19 and 23-27 are herein cancelled.

Claims 5-8 and 20-22 were indicated as being allowed. In order to expedite the application towards allowance, claims 1-4, 9-19 and 23-27 have been cancelled.

Claims 1-4, 9-19 and 23-27 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Sites et al. (USPN 5,515,159) in view of Woodworth (USPN 5,699,161). Applicant respectively disagrees with these rejections at least for the following reasons.

The Examiner relies on Woodward to teach "after said discontinuing storage of the image data, the memory comprises a first amount of stored image data corresponding to the first object, and the first amount of the stored image data substantially corresponds to a size of the first object" as claimed. In particular, the Examiner relies on capture buffers 1340a, 1340b and 1340c as evidence for the anticipation of "the memory comprises a first amount of stored image data corresponding to the first object". However, please note that the capture buffers 1340a-c do not store image data. This is apparent at Woodward Col. 11, lines 46-50:

> "As each object passes through the light curtain and laser range finder and triangulation circuit, the interrupt service routine LT-ISR inserts values for the left and right sides of the object into a respective left and right side capture buffer 1340a, 1340b, and the interrupt service routine RDY-ISR inserts values for the top of the object into a top side capture buffer 1340c."

The values stored in the capture buffers values that represent distances, i.e., successive distances to the right side of object measured by a first laser range finder, successive distances to the left side of the object measured by a second laser range finder, and

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successive heights of the object. In contrast, images are sets of pixel values. Thus, the values stored into the capture buffers of Woodward are not images. Therefore, it is not proper to identify the capture buffers of Woodward with the memory as claimed.

Woodward nowhere teaches or suggests "after said discontinuing storage of the image data, the memory comprises a first amount of stored image data corresponding to the first object". Furthermore, Woodward nowhere teaches or suggests that "after said discontinuing and prior to image processing, the first amount of the stored image data substantially corresponds to a size of the first object."
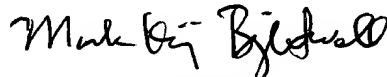
CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-36800/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Petition for Extension of Time

☐ Request for Approval of Drawing Changes

☐ Notice of Change of Address

☐ Check in the amount of $ for fees (   ).

☐ Other:

Respectfully submitted,

Mark K. Brightwell
Reg. No. 47,446
AGENT FOR APPLICANT(S)

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Date: _Aug 2, 2005_ MKB

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